



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Antonio J. Grillo-Lopez

Group Art Unit: 1642

Application No. 09/840,872

Examiner: G. Nickol

Filed: April 25, 2001

Title: INTRATHECAL ADMINISTRATION OF RITUXIMAB FOR TREATMENT OF CENTRAL NERVOUS  
SYSTEM LYMPHOMAS

\* \* \* \* \*

RECEIVED  
AUG 05 2002  
TECH CENTER 1600/2900  
P6  
JW  
8/12/02

**ELECTION REPLY**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action [Restriction Requirement] mailed on July 2, 2002,  
Applicants elect with traverse, Group 1, claims 1, 3-4, 5, directed to a method of treating  
CNS using a non-radiolabeled anti-CD20 antibody or fragment wherein;

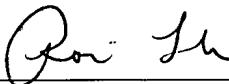
- (i) the CNS is leptomeningeal metastasis (LM); and
- (ii) the chemotherapeutic is methotrexate.

Applicants further note that claims 7, 9, 11, 12, 13, 14, 15, 18, 29, 30, 31, 32, 36, 37,  
38, 43, 44, and 45 are readable on the elected group.

Also, while not required in the Election, Applicants further note that the preferred  
route of administration is intrathecal.

Applicants traverse the requirement on the basis that this is the first known use of an antibody directed to a B cell antigen to treat a CNS lymphoma and therefore that the claims should be examined in their full scope. In any event, upon a determination that the elected species are allowable, the Examiner is respectfully requested to extend the search to other B cell antigens and chemotherapeutics.

Respectfully submitted,  
Pillsbury Winthrop LLP

By:   
\_\_\_\_\_  
Robin L. Teskin  
Registration No. 35,030

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McLean, Virginia 22102  
(703) 905-2200  
(703) 905-2500 Facsimile

Date: August 2, 2002  
Attorney Reference: 037003-0280609

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

Inventor(s): Antonio J. Grillo-Lopez  
 Appln. No.: 09 840,872  
 Series Code ↑ Serial No. ↑  
 Filed: April 25, 2001  
 Hon. Commissioner of Patents  
 Washington, D.C. 20231

Group Art Unit 1642  
 Examiner: G. Nickol  
 Atty. Dkt. P 0280609 | 2000-30-154A  
 M# Client Ref  
 Appln. Title: Intrathecal Administration of Rituximab  
 for Treatment of Central Nervous  
 System Lymphomas

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AUG 05 2002

Date: August 2, 2002

## REPLY/AMENDMENT/LETTER

TECH CENTER 1600/2900

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

## FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim	For B & C See Required Separate Paper (Pat-256)
A. <input checked="" type="checkbox"/> NOT made	
B. <input type="checkbox"/> Withdrawn	
C. <input type="checkbox"/> made herewith	
D. <input type="checkbox"/> made previously	

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	**minus	0	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	***minus	0	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) .....	add		+ \$280/\$140 =	+ \$0		104/204
5. Original due Date: August 2, 2002	<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached	(1 mo) (2 mos) (3 mos) (4 mos) (5 mos)	\$110/\$55 = \$400/\$200 = \$920/\$460 = \$1,440/\$720 = \$1,960/\$980 =	+ \$0			115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract		- \$0				
8.		Extension Fee	+ \$0			
9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....		+ \$110/\$55	+ \$0			148/248
10. If IDS attached requires Official Fee under Rule 97 (c), .....	add	+ \$180	+ \$0			126
or if Rule 97(d) Request .....	add	+ \$180	+ \$0			126
11. After-Final Request Fee per rules 129(a) and 17(r) .....		+ \$740/370	+ \$0			146/246
12. No. of additional inventions for examination per Rule 129(b).....		x \$740/370 ea	+ \$0			149/249
13. Request for Continued Examination (RCE) .....		+ \$740/370	+ \$0			1179/1279
14. Petition fee for .....		+ \$0				
15.		TOTAL FEE =	\$0			
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".						
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.						
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.						
		PLEASE CHARGE OUR DEP. ACCT				

Our Deposit Account No. 03-3975)

(Our Order No. 037003 0280609

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP  
 Intellectual Property Group

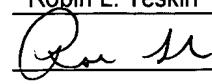
By Atty: Robin L. Teskin

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Atty/Sec: RLT/af

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments